

tiguous to any land owned by the county in which such city or town is situated and devoted to use as a public park, the governing body of such city or town may purchase for the city or town and the Commissioners Court of such county may sell to the city or town, upon such terms as may be agreed upon, the lands so owned and held by the county, the same to be acquired by the city or town to be used exclusively in connection with its adjacent or contiguous lands devoted to park or playground purposes, either or both, and the land so acquired to be devoted to a like use; or the governing body of such city or town may sell to and the Commissioners Court thereof may buy for such county, upon such terms as may be agreed upon, the lands so owned and held by the city or town, the same to be acquired by the county for the exclusive use in connection with its adjacent or contiguous lands devoted to use as a public park and to be devoted only to such purposes; provided, however, that in all cases of such sales the minimum consideration which may be agreed upon shall be adequate to pay, or provide for the payment of any portion of any unmatured bonded indebtedness which may have been incurred by the seller in originally acquiring the land so sold, all sums to the credit of the sinking fund of such indebtedness to be deducted from the face value of the unmatured bond in determining the outstanding indebtedness within the meaning of this Act, and this provision to in no wise be deemed as prohibiting any agreement upon a greater consideration for the property.

Sec. 2. That whenever the governing body of any incorporated city or town may have under its management and control any property outside of the limits of such city or town and devoted to use as a public park or playground, either or both, and there may be adjacent or contiguous thereto property devoted to use as a public park under the control and management of the Commissioners Court of the county in which such city or town is situated, the governing body of such city or town and the Commissioners Court of such county may, and they are hereby expressly authorized to, by lease or otherwise, upon such terms and for such

period as they may determine, provide for the single management, conduct and control of such contiguous or adjacent properties for the benefit of the public and for the uses to which the same may have been devoted, by vesting the exclusive management, maintenance, conduct and control thereof in either the governing body of the city or town or the Commissioners Court of the county, as may be agreed upon, the vesting of such exclusive management and control in one of such bodies to in no wise affect the power or authority of each of them to contribute such funds as it might lawfully have expended under its own management and control for the maintenance, improvement and upkeep of such parks or playgrounds, or providing, improving, maintaining and conducting suitable recreational facilities, structures and improvements therein or in connection therewith.

Sec. 3 Any roadway upon which land acquired for park purposes under the provisions of this Act abuts on both sides may be closed by order of the Commissioners Court of the county in which said roadway is located, and thereafter all rights which the State may have in and to such roads by reason of previous dedication shall be cancelled and surrendered back to the county.

EIGHTH DAY.

Senate Chamber,
Austin, Texas.

Thursday, January 17, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry. Patton.
Love.

Prayer by the Rev. W. F. Bryan.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Williamson:

S. B. No. 213, A bill to be entitled "An Act authorizing the Governor to appoint a commission of three citizens of the State of Texas, to acquire, by purchase, condemnation or otherwise, all remaining property now privately owned in the block bounded by Alamo Plaza, Nacogdoches and East Houston Streets, in the City of San Antonio, surrounding the historic Alamo, for the State of Texas; prescribing the duties of such commission, and describing the land to be purchased; authorizing condemnation proceedings; making appropriation for the acquisition thereof and the expenses in connection therewith; directing how and when the same shall be paid for; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Williamson:

S. B. No. 214, A bill to be entitled "An Act to amend Article 1302, Chapter 1, Title 32, of the Revised Statutes of 1925, by adding thereto Section 91, so as to provide for the creation of private corporation for the purpose of owning lands in the Water Control and Improvement Districts, Water Improvement Districts, Levy Improvement Districts, Drainage Districts and all lands susceptible of reclamation by levies, drainage or irrigation, in aid of the development and improvement of lands reclaimed, or to be reclaimed, within such districts, so that such lands may be speedily improved, subdivided, sold and utilized, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Williamson:

S. B. No. 215, A bill to be entitled "An Act to amend Article 4632, of Chapter 4, of Title 75, of the Revised Civil Statutes, 1925, of the State of Texas, relating to the residence of plaintiffs in divorce suits, so as to extend the benefits of the divorce laws of the State of Texas to persons in the military and naval service of the United States, under certain circumstances, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Williamson:

S. B. No. 216, A bill to be entitled "An Act repealing Article 1269 of the Revised Civil Statutes of the State of Texas of 1925."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Greer:

S. B. No. 217, A bill to be entitled "An Act to amend Article 2749, R. S. 1925, relating to the duties of trustees of common school districts in the control of the public schools, repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Greer:

S. B. No. 218, A bill to be entitled "An Act to amend Article 2676, R. S. 1925, relating to the administration of the public schools in certain common school and independent school districts; repealing all laws in conflict except those relating to area and taxation; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Greer:

S. B. No. 219, A bill to be entitled "An Act to amend Article 2676; R. S. 1925, relating to election of county boards of trustees; repealing all laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Witt:

S. B. No. 220, A bill to be entitled "An Act providing for the regulation of Local Mutual Aid Associations paying a death benefit operating an insurance business and paying benefits, where funds are provided by

assessments on members. Defining the law and manner under which such associations may operate. Prescribing, providing and requiring among other things: the territorial limits of such associations and prohibiting the connection of any two associations of the same character; the number of persons who may organize such associations, and the requirements of the articles of association in the formation of such associations; a bond as a prerequisite to the organization of such associations and the amount and conditions of said bond; approval of constitution and by-laws under which such associations will operate; the investigation of the organizers of said associations by the Board of Insurance Commissioners after organization; the issuance of certificate of authority to do business in the State by the Board of Insurance Commissioners of Texas; the manner and condition of recovering on said bond and the amount of recovery thereon, and the venue of such action to be in Travis County, Texas, the jurisdiction of the court in which such action may be filed, the by-laws of such associations and the membership of such associations, and for the grouping of the members into groups or classes and prohibiting such associations from issuing certificates with level premium rates or guaranteed cost or certificates having surrender or loan value features. Defining and prescribing who may be beneficiaries. Providing for an annual report to the Commissioner of Insurance and the renewal of certificate of authority. Providing for the examination of such associations by the Board of Insurance Commissioners of the State of Texas and providing for suits to wind up and liquidate the affairs of such associations and the venue thereof. Defining and granting to such association corporate existence, providing for the manner of service of process of such associations, the method of dissolution and forfeiture and providing for a penalty for the violation of the provisions of this Act. Providing for the exemption of certain associations and societies from the provisions of this Act, and exempting certain societies, corporations, and associations from the provisions of this Act, and providing fees, the

time of collection and the amount thereof, repealing Articles 4859, 4859-A, 4859-B, 4859-C and 4859-D of the Revised Civil Statutes of Texas for 1925 and all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Witt:

S. B. No. 221, A bill to be entitled "An Act relating to and regulating the furnishing of free text books for public free schools of this State; amending Section 30, 31, 33, 34, 39 and 40, and repealing Section 41, of Chapter 176 of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State; providing for the setting aside of funds for free text books used in the public free schools of this State; providing for reports as to the funds for said text books; providing for the distribution of the amount set aside for free text books direct to the schools using such books and the purchase of same by such schools themselves from the various text book depositories or agencies, and providing that any free text book moneys not used by any such school shall become a part of its available school moneys and may be used by it for general school purposes; making the necessary changes in the Statutes to accomplish the main purpose of this Act; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Witt:

S. B. No. 222, A bill to be entitled "An Act to amend Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, relating to weights and measures, by amending Article 1037 and adding Article 1037A, defining certain terms; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Neal, Witt, Thomason, and Woodul:

S. B. No. 223, A bill to be entitled "An Act prescribing that physical and health education courses approved by the State Department of Education shall be taught in the public schools of Texas; and authorizing the State Superintendent of

Public Instruction to provide for the direction and supervision of physical and health education instruction in the public schools; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Woodul:

S. B. No. 224, A bill to be entitled "An Act declaring certain furbearing animals the property of the State of Texas, such as wild beaver, wild otter, wild fox, wild raccoon, wild badger, wild mink, wild ring-tail cat, wild polecat or skunk, wild o'possum and wild civet cat, and protecting the same; making it unlawful and a misdemeanor, for the period of five years after the passage of this Act, in certain territory of the State of Texas, to take or attempt to take, for barter or sale, by dog, trap, snare, deadfall or any mechanical device, or to shoot or attempt to shoot for any purpose, or to possess, such animals or the pelt thereof, when so taken or shot, in said part of Texas; making each trap set, each animal and pelt thereof so taken or shot, or possessed, and each attempt to so take or shoot, a separate offense; providing penalty for same; providing certain exceptions; repealing all laws and parts of laws in conflict therewith and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 225, A bill to be entitled "An Act to repeal Chapter 62, House Bill No. 7, of the General and Special Laws passed by the First Called Session of the Fortieth Legislature which relates to the appropriation out of the General Fund in the State Treasury of the sum of \$1,500,000.00 to be added to the State Available School Fund of Texas, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 226, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the Judiciary Department of the State Government for the balance of the fiscal year ending August 31, 1927, 1928,

and 1929; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Wirtz:

S. B. No. 227, A bill to be entitled "An Act to safeguard life, health and property, and the public welfare, and to protect the public against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for their appointment; fixing the terms of office of the members of said Board; providing for the appointment of their successors and for filling vacancies occurring in the membership of said Board; fixing the qualifications of the members of said Board of Architectural Examiners; requiring such members to take the oath of office and file same in the office of the Secretary of State; providing for the election from the membership of said Board of a president, a vice president and a secretary, and making the secretary the treasurer of said Board; requiring such secretary-treasurer to file a bond in the office of the Secretary of State; fixing the form and amount of such bond and providing for its approval; providing for the adoption of necessary rules, regulations and by-laws by said Board to govern its proceedings and activities; requiring a seal for said Board; prescribing the duties of the secretary and other members of said Board; requiring the Board to keep a record of its proceedings open to public inspection; providing for the expenses of said Board to be paid from registration and other fees received, and not from the treasury of the State; providing for the disposition of moneys in excess of contingent expenses and compensation of said Board; providing for the annual salary of the secretary-treasurer to be fixed by resolution of said Board; providing for compensation of the other members of said Board; fixing the number of members of said Board necessary to constitute a quorum of said Board, and providing for the manner of calling special meetings of said Board; requiring the adoption of rules and regulations by said Board for the examination and registration of applicants to

practice architecture, and for the filing of same and of any repeal or modification thereof, together with the name and address of each officer of said Board in the office of the Secretary of State, and requiring the publication thereof; and further providing for the holding of examinations of applicants for Registration Certificates to practice architecture; fixing the fee therefor; requiring notice of time and place of such examinations to be published; providing for the scope of such examinations; providing for the issuance of certificates to applicants in certain cases, and fixing the fee therefor; exempting certain persons from such examinations and providing for the furnishing of evidence by such persons to the Board showing that they are entitled to Registration Certificates without examinations; providing for issuance of Registration Certificates in such cases and fixing the fee therefor; requiring all Registration Certificates to be recorded in the office of the Secretary of State; requiring each member of a co-partnership of architects to be a registered architect and providing that no stock company or corporation may become a registered architect but that it may practice architecture if acting within lawful corporate powers if its officers are registered architects; providing for issuance of Registration Certificates in certain cases to persons who have practiced architecture for ten years or more outside or not wholly within this State and for the examination of such applicants, and fixing the fee for certificates in such cases and providing certain grounds for refusal to issue Registration Certificates to such applicants; providing for issuance of Registration Certificates to architects of other States where the qualifications were substantially equal to those of this State at time of application for certificate, provided such other State accords like privilege to architects of this State seeking to practice in such other State, and fixing fee for registration in such cases; providing for issuance of registration certificate without examination to graduates of schools of architecture approved by the Board who have had three or more subsequent years of experience in office of reputable architect, and

fixing fee therefor; and providing for the publishing by the Board from time to time of the list of approved schools, requiring every Registered Architect to have and use a seal on drawings and specifications and prescribing the wording of such seal; defining what persons are regarded as architects within the meaning of this Act; providing for the revocation and cancellation of Registration Certificates in certain cases, prescribing the causes therefor, and the proceedings to be had; providing for the annual renewal of Registration Certificates issued under the provisions of this Act, fixing the time and manner of such renewal, and the fees therefor; providing for the revocation of certificates for default in the annual renewal of same; providing for the reinstatement of Registration Certificates in certain cases and fixing the fees therefor; providing for the filing of a report of the proceedings of said Board in the office of the Secretary of State; prescribing penalties for pursuing the practice of architecture for a fee or other direct compensation without having first procured a Registration Certificate in accordance with the provisions of this Act, or for violating the provisions of this Act; excepting the practice of architecture by persons acting solely as officers or employees of the United States from the provisions of this Act; and excepting from the provisions of this Act legally qualified architects residing outside this State who have no office in this State, provided such architects when performing architectural work in this State employ a registered architect of this State as a consultant or act as a consultant of such an architect; providing against an invalid part of this Act invalidating the remainder hereof or any part hereof; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 228, A bill to be entitled "An Act amending Article 1323 of the Revised Civil Statutes of 1925, and providing that a majority of the directors or trustees of the corporation shall constitute a quorum, and shall fill vacancies in the Board, and

transact all the business of the corporation; that an annual election shall be held for directors or trustees at such time and place as the by-laws of the corporation may require; that no director or trustee shall be elected or serve unless he shall receive a two-thirds vote of all the stock issued and outstanding; providing for the removal of illegally elected directors or trustees; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 229, A bill to be entitled "An Act empowering the State Highway Commission to adopt safety devices to be erected at railroad and interurban crossings; to advertise for the submission of such devices and, upon hearings had, to adopt a device to be erected at highway crossings over railroad and interurban tracks; declaring what shall be the nature and character of such safety device; designating the kind and character of contract to be entered into for the erection of such device and defining the powers, rights and duties of the State Highway Commission and the contractor thereunder; providing the said Highway Commission shall order the removal of such safety devices at any time it may deem it advisable; placing in the State Highway Commission full and plenary power, both express and implied, covering the selection, erection, maintenance and removal of such safety devices; that the contractor shall have the use and easement of the highway for the erection and maintenance of such devices; providing that said safety device shall be erected with or without cost or expense to the State upon such terms, stipulations and conditions as the State Highway Commission may deem best, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 230, A bill to be entitled "An Act to amend Chapter 69 of the Local and Special Laws enacted by the Thirty-sixth Legislature at its Second Called Session in 1919, same being a special road law for Burnet

County, by adding thereto Section 2a, authorizing the commissioners' court of Burnet County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that, if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Small:

S. B. No. 231, A bill to be entitled "An Act to authorize the Railroad Commission of Texas, or any member or designated employee thereof, to hold joint or co-operative hearings with the Interstate Commerce Commission, or its accredited representative within the State of Texas, or any other State in the Union, or District of Columbia; to authorize the members of the Railroad Commission of Texas, or any member thereof, to accept the provisions of any law that may be passed by the Congress of the United States authorizing State regulatory bodies to act for, with or as a part of the Interstate Commerce Commission in dealing with any interstate transportation matter, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 232, A bill to be entitled "An Act to amend Article 5302 of the Revised Civil Statutes of 1925, by adding thereto Article 5302a providing that wherever the line or lines of any survey of land heretofore made cross a stream, or part thereof, and the lands or any part thereof covered by such survey lie within such streams or part thereof, and awards or patents to such surveys shall have been issued and outstanding for a period of five years from the date thereof, and have not been canceled or forfeited, the acts and decisions of the officers of this State in the issuance of such awards or

patents, shall be final and conclusive evidence that such surveys have been made in accordance with Section 5302 of the Revised Civil Statutes of 1925 and all prior enactments thereof, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Moore:

S. B. No. 233, A bill to be entitled "An Act to prohibit Domestic Insurance carriers from doing business in any other State or territory of the United States or the Dominion of Canada without being legally admitted to do so under the laws of such State, territory or Dominion, and providing for the revocation of the license of any such carrier and the payment of a tax by such carrier to such State, territory or Dominion."

Read first time and referred to Committee on Insurance.

By Senator Greer:

S. B. No. 234, A bill to be entitled "An Act to amend Art. 2352 of Title 44, Revised Civil Statutes 1925, prohibiting any commissioners' court creating any annual current indebtedness which shall exceed the annual current revenues of any such county, and such indebtedness thus created in excess of the annual current revenue shall be void."

Read first time and referred to Committee on State Affairs.

By Senator Westbrook:

S. B. No. 235, A bill to be entitled "An Act to provide that at least one-half of all taxes levied for the State, county, common school districts, road districts, or political subdivisions of the county upon an ad valorem basis for the year of 1929 and every year thereafter shall become due on the 31st day of December of the year for which the same are levied and providing that unless at least one-half of the taxes so levied shall be paid on or before said date the entire tax levied for the year shall become delinquent after said date; providing that if the first half of said taxes have been paid on or before the 31st day of December, the second half shall become delinquent after May 31st following: Providing that all delinquent taxes shall bear

a penalty of ten per cent, and in addition thereto interest at the rate of six per cent per annum; providing, for only five per cent penalty if the entire tax is paid after December 31st, and on or before January 31st, following; providing that all of the taxes may be paid at one time and that not more than two payments of one-half each may be paid except the entire tax on property with a separate valuation may be paid without payment of taxes on other property; providing for the issuance of receipt; repealing all laws in conflict, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 6, Inviting the Southern Crop Champions of 1928 to appear before a joint Session of the House and Senate Feb. 6, 1929.

Respectfully submitted,

LOUISE SNOW PHINNEY
Chief Clerk, House of Representatives.

Senators Excused.

On motion of Senator Witt Senator Love was excused for the day on account of serious illness.

On motion of Senator Pollard, Senator Beck was excused for the morning on account of important business.

Simple Resolution No. 32.

Senator Woodward sent up the following resolution:

Whereas, Jacques Darrouzet, the son of the Hon. John L. Darrouzet of Galveston, is in the city for a few days; and,

Whereas, he is anxious to learn the ways of the Senate of Texas; and,

Whereas, he is alert, energetic and manly.

Therefore, be it resolved, that he,

the said Jacques Darrouzet, be made an honorary page of the Senate of Texas for and during the Regular Session of the Fortieth-first Legislature.

Read and adopted.

Simple Resolution No. 33.

Senator Parrish sent up the following resolution:

Whereas, Hon. W. H. Bledsoe who served with distinction in the State Senate of Texas is now in the City, therefore be it resolved that he be invited to address the Senate.

Read and adopted.

S. B. No. 103 Re-referred.

On motion of Senator Woodward, S. B. No. 103 was withdrawn from the Committee on Criminal Jurisprudence and re-referred to the Committee on Public Lands and Land Office.

Simple Resolution No. 34.

Senator Martin sent up the following resolution:

Whereas, by simple resolution adopted by the Senate at the first called session of the Fortieth Legislature, calling for the appointment for the committee to make an investigation of the present condition and surroundings of the Alabama tribe of Indians, located on a Reservation of 1280 acres of land in Polk County, Texas, and under said resolution the President of the Senate appointed Senator Fairchild, Senator Triplett, Senator Lewis, Senator Ward, Mrs. L. R. Cade, Mrs. Pressrock and Mrs. J. A. Glen and Mrs. Earl Cogdell, and

Whereas since the appointment of said Committee by the Senate Senator Fairchild and Senator Triplett have departed this life, and

Whereas, part of the committee made a second investigation of the conditions and surroundings of the said Alabama tribe of Indians, and at the time of the last investigation of the said Committee, Senator Thomason and Senator Patton who are now members of this Senate were present and also made an inspection and observation with said Committee, and the said Senators Thomason and Patton are residing in that section of the state and are in the position to make certain recommendations to this Senate relative

to the said Alabama tribe of Indians,

Therefore, be it Resolved by the Senate of Texas that the Lieutenant Governor appoint in addition to the present standing committee Senator Thomason and Senator Patton and that they co-operate with the first remaining committee so appointed.

Read and adopted.

S. B. No. 128.

The Chair laid before the Senate on its third reading and final passage the following bill:

By Senator Greer:

S. B. No. 128. A bill to be entitled "An Act relating to the duties of the County Board of Trustees of Public schools in this State, in all counties having an area of not more than one thousand-seventy-five (1075) square miles and not less than nine hundred-thirty (930) square miles, and a population of not less than thirty-four thousand three hundred, (34,300) and not more than thirty-four thousand five hundred, (34,500) according to the 1920 Federal Census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of Independent and Common School Districts, create additional districts, consolidate two or more adjacent districts; subdivide any districts; revise or rearrange the boundaries of any district; attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the County Board of School Trustees; providing other matters and things necessary and incidental to the main purpose and subject to this Act, whether mentioned in detail in this caption or not; and repealing all laws, general or special, in conflict therewith, and declaring an emergency."

On motion of Senator Greer, the bill was laid on the table subject to call.

S. B. No. 9.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 9. A bill to be entitled, "An Act to create the One Hundred and Ninth Judicial District of Texas, and to designate the counties constituting said district and fixing the time for holding court therein; reorganize the Seventieth Judicial District of Texas, and designate the counties constituting said district and fixing the time for holding court in the various counties of said district; providing that the present judge of said Seventieth Judicial District of Texas shall be the District Attorney of the One Hundred and Ninth Judicial District of Texas, until the next general election, and his successors shall have been elected and qualified; providing for the appointment of a judge for the newly created One Hundred and Ninth Judicial District of Texas, and for the appointment of a District Attorney for the Seventieth Judicial District of Texas as herein constituted at the next general election in this state, each two years thereafter; validating all process, writs, bonds, and recognizances of every kind and character heretofore issued, or entered into, and all grand and petit jurors selected and drawn under the existing laws by the various counties affected by this Act and described, that same shall be returnable, and said jurors served for the next term of court in the various counties affected after the taking effect of this Act; providing that if any term of court shall be in session in any county in the former Seventieth Judicial District of Texas at the time of the taking effect of this Act, same shall continue in session until adjournment of the term, and thereafter the term of court in such county shall be held in conformity with this Act; providing for the repeal of all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 9 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Gainer.
Berkeley.	Greer.
Cunningham.	Hardin.

Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Martin.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Neal.	Witt.
Parr.	Woodul.
Parrish.	Woodward.
Pollard.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and passed finally by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

S. B. No. 18.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 18, A bill to be entitled "An Act to amend Article 2902, R. S. 1925, fixing the scholastic age of pupils in the public free school by reducing the minimum school age to six years, and repealing all laws and parts of laws in conflict therewith."

The bill was read second time and passed to engrossment.

S. B. No. 47.

The Chair laid before the Senate, the following bill:

By Senator McFarlane:

C. S. S. B. No. 47, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of 13,300 and not more than 13,400 according to the last

preceding United States census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair on each automobile used by him without further expense to the county; limiting the duration of this Act; and declaring an emergency."

The bill was passed to engrossment.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and S. B. 47 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and passed finally by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

S. B. No. 67.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 67, A bill to be entitled "An Act to amend Chapter 40, Acts of the Fortieth Legislature, First Called Session, relating to the extension of teachers' certificates, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 67 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
Moore.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

S. B. No. 71.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 71, a bill to be entitled "An Act to amend Article 2883, and Article 2889-A R. S., 1925, relating to certificates of teachers in the public free schools, and salaries of teachers holding such certificates; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time.

On motion of Senator Pollard the bill was made special order after the morning call Friday.

S. B. No. 142.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 142, A bill to be entitled "An Act providing that in all counties where the county attorney performs the duties of the county attorney and district attorney, the county attorney may appoint one or more assistants who need not possess the qualifications provided for county attorneys; providing for the manner of appointment; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 142 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

Senator McFarlane sent up the following amendment:

To the end of Section 1 of S. B.

142 "Provided that the provisions of this bill shall apply only to counties in this State having a population of not less than 49,600, and not more than 49,700 according to the last government census of 1920."

McFARLANE.

Read and adopted by two-thirds vote.

The bill as amended was read third time and passed finally by the following vote:

Yeas—25.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Nays—1.

Martin.

Present—Not Voting.

Wirtz.

Absent—Excused.

DeBerry.	Patton.
Love.	

Executive Session.

At 11:00 o'clock a. m., the Chair announced that the hour for the Executive Session to consider nominations by the Governor had arrived. The chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the Executive Session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Governor's nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the following names to the Senate, with the recommendation that they be confirmed:

To be Branch Pilots, Galveston and Texas City Ports District:

Messrs. H. L. Babcock, T. R. Dalehite; W. A. Leach; B. F. Pomeroy; A. M. Carlson, W. E. Haymon; Louis Locke; C. R. Megee; P. J. Stewart and A. C. Steinhart, all of Galveston County, Texas.

WILLIAMSON, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the following names to the Senate, with the recommendation that they be confirmed:

To be Secretary of State, Jane Y. McCallum.

To be Adjutant General, Robert L. Robertson.

To be Member Highway Commission, W. R. Ely.

To be Commissioner of Labor Statistics, Chas. McKemy.

To be Tax Commissioner, F. C. Weinert.

To be State Reclamation Engineer, B. F. Williams.

To be Agent of Alabama Cooshatta Indians, Clem C. Fain, Jr.

To be Member Texas Historical Board, Tom L. McCullough, Gus A. Amundsen, Jr.

To be Casualty Insurance Commissioner, W. S. Pope.

To be Fire Insurance Commissioner, J. W. DeWeese.

To be Presiding Judge of Eighth Administrative Judicial District of Texas, Hon. P. A. Martin, (vice McKinsey.)

To be Presiding Judge of Seventh Administrative Judicial District of Texas, Hon. W. R. Chapman, (vice Woodward.)

To be Presiding Judge of Fourth Administrative Judicial District of Texas, Hon. W. R. Chapman, (vice Green.)

To be Members Board of Pardon Advisers: Joseph D. Sayers, Stanhope Henry.

To be Members Board of Regents of State Teachers' Colleges: J. W.

Fitzgerald, (vice Flowers); A. B. Mayhew.

To be Board of Managers of the North Texas Junior Agricultural and Industrial College: W. H. Slay, S. C. Rowe, A. C. Barnes, N. L. Davis, O. O. Touchstone.

To be State Board of Veterinary Medical Examiners: J. A. Holzman, E. C. Smotherman, E. F. Lanham, J. P. Mockford, G. W. Ireland, P. G. Cook, W. R. Sanderson.

To be State Board of Dental Examiners: A. W. Gould, W. P. Delafield, W. T. Beard, Maxwell C. Murphy, B. F. Theilen, H. W. Hooper.

To be State Mining Board: E. A. Camp, E. S. Orgain, L. R. Stoddard, John LeGory, W. T. Beavers, B. B. Hollis, W. H. Richardson.

To be San Jacinto State Park Commissioners: C. R. Wharton, Chester H. Bryan, Mrs. Earl Amerman.

To be Live Stock Sanitary Commission: Richard King, J. A. Whitten, J. B. Anderson.

To be the Texas State Board of Pharmacy: Ed S. Russel, Erwin Joseph, Paul Carroll, John A. Weeks, C. Bryan Allison.

To be the Washington State Park Commission: Mrs. Arthur Hartman, Mrs. S. W. Dean, Mrs. J. Wallace Brosig, T. A. Lowe, J. J. Marek.

WILLIAMSON, Chairman.

The committee reports were read and adopted.

In addition a list of some 500 ad-interim notary public appointments were confirmed

(See immediately following last day's Journal.)

Executive Resolution No. 1

By Senator Woodward:

Resolved: That each Senator may have added to the notary list, such additional names for appointment as he may file with the secretary.

Read and adopted.

S. B. No. 186.

The Chair laid before the Senate on its second reading the following bill:

S. B. No 186, A bill to be entitled "An Act authorizing incorporated cities having less than 100,000 population according to the last United States census and a city of more than 43,000 inhabitants according to said

census, to dispose of property which has been designated for public park purposes and which has never been used for that purpose on account of being unsuitable; prescribing regulations to accomplish said purpose; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 186 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

S. B. No. 225.

Senator Pollard received unanimous consent to take up out of its regular order the following bill:

S. B. No. 225, A bill to be entitled "An Act to repeal Chapter 62, House Bill No. 7 of the General and Special Laws passed by the First Called Session of the Fortieth Legislature which relates to the appropriation out of the General Fund in the State Treasury of the sum of \$15,000.00 to be added to the State Available School Fund of Texas, and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended and the Committee report was adopted.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 225 was put on its second reading by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 225 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry. Patton.
Love.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry. Patton.
Love.

S. B. No. 135.

Senator Pollard received unanimous consent to take up out of its regular order the following bill:

S. B. No. 135, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1927, August 31, 1928, and August 31, 1929, and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended and the Committee report was adopted.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 135 was put on its second reading by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Martin.	Thomason.
McFarlane.	Westbrook.

Williamson.
Wirtz.
Witt.

Woodul.
Woodward.

Absent—Excused.

DeBerry. Patton.
Love.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 135 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry. Patton.
Love.

The bill was read third time and passed finally by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry. Patton.
Love.

S. B. No. 136.

Senator Pollard received unanimous consent to take up out of its regular order the following bill:

S. B. No. 136, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State Government of the State of Texas, for the fiscal years ending August 31, 1925, 1926, 1927, and 1928, and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended and the Committee report was adopted.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 136 was put on its second reading by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 136 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

S. B. No. 226.

Senator Pollard received unanimous consent to take up out of its regular order the following bill:

S. B. No. 226, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the Judiciary Department of the State Government, for the balance of the fiscal years ending August 31, 1927, 1928, and 1929; and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended and the Committee report was adopted.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 226 was put on its second reading by the following vote:

Yeas—27.

Beck.	McFarlane.
Berkeley.	Miller.
Cunningham.	Moore.
Gainer.	Neal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Martin.	Stevenson.

Thomason.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.
Wirtz.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 226 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and passed finally by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

S. B. No. 138.

Senator Holbrook received unanimous consent to take up the following bill out of its regular order:

S. B. No. 138, A bill to be entitled "An Act authorizing the county judge to employ a stenographer or clerk in any county of less than one hundred thousand inhabitants according to the last United States census, which county contains a city of more than forty-three thousand inhabitants according to said census, said stenographer to be paid by the county; regulating the salary of such stenographer; providing for his removal; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 138 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

S. B. No. 72.

Senator McFarlane received unanimous consent to take up out of its regular order the following bill:

S. B. No. 72, A bill to be entitled "An Act making it lawful for the commissioners' court of Clay, Archer, Baylor and Young counties to pay out of the general fund of such counties bounties for the destruction of predatory animals, providing that on petition of two hundred free holders the commissioners' court of such county may provide amount of bounty and method of proof to entitle claimant to obtain such bounty, and prescribing manner of payment, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 72 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	McFarlane.
Berkeley.	Miller.
Cunningham.	Moore.
Gainer.	Neal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Martin.	Stevenson.

Thomason.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.
Wirtz.	

Absent—Excused.

DeBerry.	Patton.
Love.	

Simple Resolution No. 35.

Senator Parrish sent up the following resolution:

Whereas, an important hearing on Agricultural Schedule will be held within the near future in both the House and the Senate of the United States Congress.

Therefore, BE IT RESOLVED BY THE SENATE OF TEXAS, in session that it go on record favoring a fair and adequate tariff rate on all products of both the farm and ranch, and that we request the members of both Houses of Congress to give careful study to such schedule with special attention to the interest of the farmer and stock raiser.

BE IT FURTHER RESOLVED that a copy of this Resolution be wired each Senator and Congressman from Texas and a copy be sent the Chairman of the Agricultural Committees in both Houses of Congress.

PARRISH.

Read and adopted.

S. J. R. No. 14.

Senator Witt sent up the following resolution:

By Senators Witt, Hornsby, Neal: S. J. R. No. 14, A joint resolution "Proposing an amendment to Section 5 of Article VII of the Constitution of the State of Texas by providing therein that the State Board of Education is authorized to, and may, create new school districts at such of the several eleemosynary institutions of this State, including the State Orphan Asylum or at any and all orphan homes or like institutions that may be established by any fraternal organization, church or corporation, provided the same is duly and regularly incorporated under the laws of this State and that the number of children within the scholastic age in each instance be sufficient to justify such action. The territorial limits in each case shall be co-extensive with the property lines of the institution and such district and the children thereof of scholastic age

shall be entitled to all the rights, privileges and benefits of the other school districts of this State. Providing that the Governor shall submit this proclamation to the qualified voters of this State and making an appropriation therefor."

Read first time and referred to Committee on Constitutional Amendments.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

S. C. R. No. 6.

Adjournment.

On motion of Senator Russek, the Senate, at 12:05 o'clock p. m., adjourned until 10 o'clock Friday morning.

APPENDIX.

Committee On Engrossed Bills.

Committee Room,
Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Engrossed Bills, have had S. B. No. 69 carefully examined and compared, and find same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 158 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking to whom was referred

S. B. No. 185, A bill to be entitled, "An Act relating to banks and bank and trust companies; amending Article 365, Revised Civil Statutes of 1925 of Texas so as to provide for

assessment by banks and bank and trust companies of their stockholders to restore impaired capital stock; authorizing the Banking Commissioner, in the event of failure of banks and bank and trust companies to restore their capital stock or to voluntarily liquidate, to close and liquidate same; providing for sale of stock of stockholder or stockholders who fail or refuse to pay their assessment and providing that the assessment to restore capital stock shall not affect the liability of stockholders to the assessment provided for by Article 535, Revised Civil Statutes of Texas of 1925; amending Article 370 of said Statutes defining the duties and discretion of the Banking Commissioner in connection with taking charge of and liquidating bank and trust companies; enacting Article 517a, Revised Civil Statutes of 1925, and providing against preferences in favor of depositors of banks and bank and trust companies by pledging the assets of such corporations; amending Article 535, Revised Civil Statutes of 1925 prescribing the method of transfer of stock of banks and bank and trust companies, making the record owner liable as stockholder and providing for the joining of transferror and transferee of stock in case of suit; enacting provisions protecting the rights of creditors of banks and bank and trust companies in cases of decrease of the capital stock of such corporations; declaring the rule where banks or bank and trust companies receive checks, drafts or bills of exchange; amending Article 514, Revised Civil Statutes of 1925 so as to eliminate that portion of same which prohibits banks and bank and trust companies from alienating real estate to any one interested directly or indirectly in said company; enacting provisions to prevent false advertisement of the condition of banks and bank and trust companies and providing penalties and forfeitures; amending Article 358, Revised Civil Statutes of 1925; prescribing the number of examinations per year of banks and bank and trust companies by the Banking Department; amending Article 350, Revised Civil Statutes of 1925, as amended so as to provide for assistant bank examiners and prescribing their compensation; enacting provisions incidental to the subject and

purposes of the Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking to whom was referred

S. B. No. 172, A bill to be entitled "An Act to amend Articles 2461, 2462, 2463, 2465, 2466 and 2477, of Subdivision 1 of Title 46 of Revised Civil Statutes of the State of Texas, 1925, relative to Rural Credit Unions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking to whom was referred

S. B. No. 184, A bill to be entitled "An Act amending Article 387 of the Revised Civil Statutes of 1925 so as to increase the maximum number of directors a bank or bank and trust company having a capital stock of \$500,000.00 or more may have; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking to whom was referred

S. B. No. 112, A bill to be entitled "An Act to amend Article 2547 of Chapter two, title 47 of the Revised Civil Statutes of the State of Texas, relating to the Collateral security to be pledged by depositories for securing county funds, by depositing with the Commissioner's Court a depository bond, or by pledging with the Commissioner's Court bonds and certificates of indebtedness of the

United States, bonds of the State of Texas, obligations, and pledges of the University of Texas, bonds of any County, City, Town, Independent School District, or bonds issued under the Federal Farm Loan Act or road district bonds, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking to whom was referred

S. B. No. 81, A bill to be entitled "An Act protecting state banks and national banks and banking institutions doing business in this State in the payment of funds in a joint deposit to the survivor when the deposit is made by one of the depositors in form to be paid to either of them or the survivor; and providing regulations in reference to such deposits; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking to whom was referred

S. B. No. 114, A bill to be entitled "An Act to amend Article 2529 of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature relating to the collateral security to be pledged by depositories for securing State funds, by depositing a depository bond with the State Treasurer or by pledging with the State Treasurer bonds and certificates of indebtedness of the United States, obligations and pledges of the University of Texas, bonds issued by banks organized under the Federal Farm Loan Act located in Texas, bonds of counties, independent school districts and common school districts located in Texas, and bonds

issued by municipal corporations in Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

RUSSEK, Chairman.

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 187, A bill to be entitled "An Act appropriating the sum of \$25,000.00 to co-operate with the Department of the Interior of the United States Government to investigate reservoir sites and reservoir conditions on the Pecos River, authorizing the Governor to draw upon such funds and regulating the expenditure thereof; and creating an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STEVENSON, Chairman

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 82, A bill to be entitled "An Act to provide for the sale and lease of minerals in and on University lands; to provide for resurveying, dividing and marketing said land; prescribing the method of making and returning bids therefor; prescribing the minimum royalty and minimum rental thereon; authorizing the rejection of any and all bids therefor, and the sale thereof at open auction; prescribing duties of the Board of Regents of the University of Texas, providing for the execution of mineral leases on said land, and repealing all laws in conflict therewith, and declaring an emergency."

Have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed.

SMALL, Chairman.

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 136, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations heretofore made for the support of the Judiciary Department of the State Government of the State of Texas, for the fiscal years ending August 31, 1925, 1926, 1927, and 1928, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POLLARD, Chairman.

Committee Room.

Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 135, A bill to be entitled "An Act making appropriations to cover deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1927, August 31, 1928, and August 31, 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Joint Resolutions to whom was referred

Senate Joint Resolution No 13, "Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court of Nine Members, and for continuous session of that Court."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Chairman.

Committee Room.

Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 225, A bill to be entitled "An Act to repeal Chapter 62, House Bill No. 7 of the General and Special Laws passed by the First Called Session of the Fortieth Legislature which relates to the appropriation out of the General Fund in the State Treasury of the sum of \$1,500,000.00 to be added to the State Available School Fund of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it pass, and be not printed.

POLLARD, Chairman.

Committee Room.

Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 226, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State for the Judiciary Department of the State Government, for the balance of the fiscal years ending August 31, 1927, 1928 and 1929; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 191, A bill to be entitled "An Act providing for the separation of all public free school affairs in cities and towns from the municipal government therein; providing that all the power and authority over such schools shall be exercised by such cities or towns through their boards of education; providing for the election of trustees of the independent districts authorized herein; vesting the title to school property of such cities and towns in the independent district; authorizing the independent districts to assume out-

standing bonds of cities and towns issued for school purposes; repealing all laws and parts of laws in conflict with the provisions of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room.

Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 165, A bill to be entitled "An Act to amend Art. 2688 and Art. 2689, R. S. 1925, creating the office of county superintendent of public schools; providing for filling the office; extending the term of office of present incumbent; fixing amount of bond of said county superintendent; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room.

Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 170, A bill to be entitled "An Act to amend Article 2741 R. S. 1925, relating to the duties of county school trustees with reference to the boundaries of school districts within their counties."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room.

Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 130, A bill to be entitled "An Act providing for nine members of the Board of Regents of the State Teachers Colleges instead of six mem-

bers; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room.

Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 113, A bill to be entitled "An Act to amend Articles 2669, 2670, 2671, 2672 and 2673 of Chapter 10, Title 49, of the Revised Civil Statutes of the State of Texas of 1925, relating to the investment of the permanent school fund by the State Board of Education by providing for the purchase by said board of bonds of the United States, the State of Texas, the bonds of counties of the State of Texas, the bonds of Independent School Districts of Texas, and of common school districts of said state, and the bonds of any incorporated city or town, and the bonds of road precincts of any county of the State of Texas, and the bonds of any drainage, irrigation, navigation and levee district of any county or counties of Texas, and the obligations and pledges of the University of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room.

Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 211, A bill to be entitled "An Act to amend Articles 2745, 2747, R. S. 1925, pertaining to the term of office of trustees in common school districts; providing for filling vacancies in said office; repealing all laws in conflict therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 207, A bill to be entitled "An Act to amend Article 2892, R. S. 1925, fixing the age and extending the term for compulsory school attendance; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, Jan. 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 62, A bill to be entitled "An Act creating a more efficient road system for Hays County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the Commissioners' Court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the Commissioners' Court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the Commissioners' Court of Hays County to issue bonds of said County for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed, being a local bill.

WITT, Chairman.